

BURR RIDGE VILLAGE CODE

CHAPTER 7

SPECIAL FLOOD HAZARD AREAS

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ARTICLE 1. Purpose, Scope and Definitions

Sec. 7.01

Purpose

This Chapter is enacted pursuant to the police powers granted to this Village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 (1994). The purpose of this Chapter is to maintain this Village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Chapter is adopted in order to accomplish the following specific purposes:

To meet the requirements of 615 ILCS 5/18g Rivers, Lakes and Streams Act.

To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;

To protect new buildings and major improvements to buildings from flood damage;

To protect human life and health from the hazards of flooding;

To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; and

To make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program.

To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended.

To protect, conserve, and promote the orderly development of land and water resources;

To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Sec. 7.02

Definitions

For the purposes of this Chapter, the following definitions are adopted:

Act "An Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois", 615 ILCS 5/5 et seq.

Applicant Any person, firm, corporation or agency which submits an application.

Appropriate Use Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Article V of this Chapter.

Base Flood The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Sections 7.05 through 7.09 of this Chapter.

Building A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days, unless fully licensed and ready for highway use.

Channel Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

Compensatory Storage An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

Conditional Approval of a Designated Floodway Map Change Preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

Conditional Letter of Map Revision (CLOMR) A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

Control Structure A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

Dam All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

Designated Floodway The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities. The floodways are designated on the Flood Boundary and Floodway Map or Flood Insurance Rate Maps (FIRM) as prepared by FEMA as listed in Appendix A of this Chapter. To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. IDNR/OWR should be contacted to determine the exact location of the designated floodway boundary where interpretation is needed.

Development Any man-made change to real estate, including:

- (a) Construction, reconstruction, repair, or placement of a building or any addition to a building;
- (b) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days. If the travel trailer or recreational vehicle is on site for less than 180 days, it must be fully licensed and ready for highway use.
- (c) Drilling, mining, installing utilities, construction of roads, bridges, or similar projects;
- (d) Demolition of a structure or redevelopment of a site;
- (e) Clearing of land as an adjunct of construction;
- (f) Construction or erection of levees, walls, fences, dams, or culverts; channel modification, filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste;
- (g) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

Development does not include maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

Elevation Certificates A form published by the FEMA that is used to certify the elevation to which a building has been elevated.

Erosion The general process whereby soils are moved by flowing water or wave action.

Exempt Organizations Organizations which are exempt from this ordinance per Illinois Compiled Statutes (ILCS) including state, federal or local units of government.

Existing Manufactured Home Park or Subdivision A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed before April 1, 1990.

Expansion to an Existing Manufactured Home Park or Subdivision The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA Federal Emergency Management Agency and its regulations at 44 CFR 59-79 effective as of September 29, 1989. This incorporation does not include any later editions or amendments.

Flood A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Frequency A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

Flood Fringe That portion of the floodplain outside of the designated floodway.

Flood insurance Rate Maps (FIRM) A map prepared by FEMA that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

Floodplain That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA). The floodplains are those lands subject to inundation by the base flood or 100-year frequency flood. The SFHA's are generally identified as such on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency and denoted in Appendix A herein.

Floodproofing Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodproofing Certificate A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood Protection Elevation (FPE) The elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA.

Freeboard An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure Any structure that is:

- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on the State Inventory of historic places by the Illinois Historic Preservation Agency;
- (d) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

Hydrologic and Hydraulic Calculations Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

IDNR/OWR Illinois Department of Natural Resources, Office of Water Resource.

Letter of Map Amendment (LOMA) Official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective Flood Hazard Boundary Map (FHBM) or FIRM.

Letter of Map Revision (LOMR) Letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

Manufactured Home A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term manufactured homes also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

New Manufactured Home Park or Subdivision Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after April 1, 1990.

NGVD National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

Natural When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is reestablished. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

Ordinary High Water Mark (OHWM) The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

Public Flood Control Project A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

Public Bodes of Waters All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

Recreational Vehicle or Travel Trailer A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Rev. 11-89)

Registered Land Surveyor A land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act (225 ILCS 330/1, et seq.)

Registered Professional Engineer An engineer registered in the State of Illinois under The Illinois Professional Engineering Act (225 ILCS 325/1 et seq.)

Repair, Remodeling or Maintenance Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

Retention/Detention Facility A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

Riverine SFHA Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

Runoff The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

Sedimentation The processes that deposit soils, debris and other materials either on other ground surfaces or in bodies of water or watercourses.

Special Flood Hazard Area (SFHA) Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, AO, AI-30, AE, A99, AH, VO, V30, VE, V, M, E, D, or X.

Structure The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days, unless they are fully licensed and ready for highway use.

Substantial Damage A building is considered substantially damaged when it sustains damage from any cause (fire, flood, earthquake, etc.), whereby the cost of fully restoring the structure would equal or exceed 50 percent of the pre-damage market value of the structure, regardless of the actual repair work performed.

Substantial Improvement Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored,

before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

Transition Section Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

ARTICLE II. Enforcement

Sec. 7.03

Enforcement Officer Designated

The Village Engineer shall be the designated Enforcement Officer and be responsible for fulfilling all of the duties listed in Section 7.04. The Enforcement Officer shall be a Registered Professional Engineer under the employ or contract of the Village.

To fulfill those duties, the Enforcement Officer first should use the criteria listed in Article III, Base Flood Elevations, to determine whether the development site is located within a floodplain. Once it has been determined that a site is located within a floodplain, the Enforcement Officer must determine whether the development site is within a flood fringe, a designated floodway, or within a SFHA or floodplain on which no floodway has been identified. If the site is within a flood fringe, the Enforcement Officer shall require that the minimum requirements of Article IV of this Chapter be met. If the site is within a floodway, the requirements of Article V shall be met. If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the minimum requirements of Article VI shall be met.

In addition, the general requirements of Article VII shall be met for all developments meeting the requirements of Articles IV, V, or VI. The Enforcement Officer shall assure that all subdivision proposals shall meet the requirements of Article VIII.

If a variance is to be granted for a proposal, the Enforcement Officer shall review the requirements of Article IX to make sure they are met. In addition, the Enforcement Officer shall complete all notification requirements.

In order to assure that property owners obtain permits as required in this Chapter, the Enforcement Officer may take any and all actions as outlined in Article XI.

Sec. 7.04

Duties of the Enforcement Officer

The Enforcement Officer shall be responsible for the general administration and enforcement of this Chapter which shall include the following:

1. **Determining the Floodplain Designation.** Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one (1) square mile. Check whether the development is potentially within an extended SFHA (with a drainage area less than one square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining Sections of this Chapter.
2. **Enforcement Officer Review.** If the development site is within a floodway or in a floodplain on which a detailed study has not been conducted and which drains more than one (1) square mile then the Enforcement Officer shall review the development for compliance with the requirements of Articles V and VI and state in writing that the development meets the requirements of Articles V and VI.
3. **Dam Safety Requirements.** Ensure that an IDNR/OWR permit has been issued or a letter indicating no permit is required, if the proposed development activity includes construction of a dam as defined in Section 7.02. Regulated dams may include weirs, restrictive culverts or impoundment structures.

4. **Other Permit Requirements.** Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.
5. **Plan Review and Permit Issuance.** Ensure that all development activities within the SFHAs of the jurisdiction of the Village meet the requirements of this Chapter, and; issue a floodplain development permit in accordance with the provisions of this Chapter and other regulations of this community when the development meets the conditions of this Chapter.
6. **Inspection Review.** Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this Chapter.
7. **Elevation and Floodproofing Certificates.** Maintain in the permit files an Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building or the elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to Article VII of this Chapter.
8. **Records for Public Inspection.** Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as built" elevation and flood proofing and/or elevation certificates for all buildings constructed subject to this Chapter.
9. **State Permits.** Ensure that construction authorization has been granted by the IDNR/OWR for all development projects subject to Articles V and VI of this Chapter, unless enforcement responsibility has been delegated to the Village. However, the following review approvals are not delegated to the Village and shall require review or permits from IDNR/OWR:
 - a. Organizations which are exempt from this Chapter, as per the Illinois Revised Statutes;
 - b. IDNR/OWR projects, dams or impoundment structures as defined in Section 7.02 and all other state, federal or local unit of government projects, including projects of the Village and Cook and DuPage Counties, except for those projects meeting the requirements of Section 7.29.
 - c. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 7.24(e);
 - d. An engineer's analysis of the flood profile due to Section 7.24(d);
 - e. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 7.24(a, b and h);
 - f. Permit issuance of structures within or over publicly navigable rivers, lakes and streams;
 - g. Any changes in the Base Flood Elevation or floodway locations; and,

h. Base Flood Elevation determinations where none now exist.

10. **Cooperation with Other Agencies.** Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this Chapter. Submit data to IDNR/OWR and the FEMA for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify FEMA of any proposed amendments to this Chapter.
11. **Promulgate Regulations.** Promulgate rules and regulations as necessary to administer and enforce the provisions of this Chapter, subject however to the review and approval of IDNR/OWR and FEMA for any Chapter changes.

ARTICLE III. Base Flood or 100-Year Frequency Flood Elevation

Sec. 7.05

General

This Chapter's protection standard is based on the Flood Insurance Study for the Village, Du Page, and Cook Counties. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Survey's Floodplain Information Repository that has been approved by IDNR/OWR and FEMA. When a party disagrees with the best available data, he/she may finance the detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA.

Sec. 7.06

SFHA'S

The base flood or 100-year frequency flood elevation for the SFHAs shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the Village, Du Page, and Cook Counties prepared by FEMA as denoted on Appendix A, and such amendments to such studies and maps as may be prepared from time to time.

Sec. 7.07

Unincorporated Areas

The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook and DuPage Counties that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Cook or Du Page Counties prepared by FEMA as denoted on Appendix A, and such amendments or revisions to such study and maps as may be prepared from time to time.

Sec. 7.08

AH or AO Zones

The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Village.

Sec. 7.09

A Zone

The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the Village shall be according to the best existing data available in the Illinois State Water Survey Floodplain Information Repository. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-1 TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Along any watercourses draining more than one (1) square mile, the above analyses shall be submitted to IDNR/OWR for approval. Once approved it must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet, unless calculated by a detailed engineering study and approved by IDNR/OWR for drainage areas greater than one square mile. For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the Enforcement Officer pursuant to Section 7.04, the base flood elevation shall be determined by the applicant utilizing a method as approved in Section 7.09, with concurrence of the Enforcement Officer.

ARTICLE IV Regulations - Flood Fringe Areas

Sec. 7.10

Occupation and Use of Flood Fringe Areas – General

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage and other applicable provisions of this Chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of Article VII.

Sec. 7.11

Development Permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the Enforcement Officer.

Sec. 7.12

Application

Application for a development permit shall be made on a form provided by the Enforcement Officer. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or N.G.V.D. and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Article VII of this Chapter.

Sec. 7.13

Review

Upon receipt of a development permit application, the Enforcement Officer shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a permit as required by this Chapter is not in the SFHA and, therefore, not subject to the requirements of this Chapter. The Enforcement Officer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

Sec. 7.14

Control Plans

A soil erosion and sedimentation control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.

Sec. 7.15

Other Permits

The Enforcement Officer shall be responsible for obtaining from the applicant copies of all other federal, state and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Enforcement Officer shall not issue a permit unless all other local, state and federal permits have been obtained.

Sec. 7.16**Preventing Increased Damages**

No development in the flood fringe shall create a threat to public health and safety.

Sec. 7.17**Use of Fill**

If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.

Sec. 7.18**Compensatory Storage**

Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

ARTICLE V Regulations - Floodways

Sec. 7.19

General

This Section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway shall be as delineated on the designated floodway maps prepared by FEMA as denoted on Appendix A. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Article VII.

Sec. 7.20

Development Permit

No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the Enforcement Officer and IDNR/OWR.

Sec. 7.21

Application

Application for a development permit shall be made on a form provided by the Enforcement Officer. The application shall include the following information:

- a. Name and address of applicant;
- b. Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
- c. Name of stream or body of water affected;
- d. Description of proposed activity;
- e. Statement of purpose of proposed activity;
- f. Anticipated dates of initiation and completion of activity
- g. Name and mailing address of the owner of the subject property if different from the applicant;
- h. Signature of applicant or the applicant's agent;
- i. If the applicant is a corporation, the president or other authorized officer shall sign the application form;
- j. If the applicant is a partnership, each partner shall sign the application form; and
- k. If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
- l. Plans of the proposed activity shall be provided which include as a minimum:

- (i) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
 - (ii) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., or North American Vertical Datum, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale.
 - (iii) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical).
 - (iv) A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance;
 - (v) A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.
- m. Any and all other federal, state and local permits or approval letters that may be required for this type of development.
 - n. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Article V.
 - o. If the designated floodway delineation, base flood or 100 year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.
 - p. The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Article VII of this Chapter.
 - q. If the proposed project involves a channel modification, the applicant shall submit the following information:

- (i) A discussion of the purpose of and need for the proposed work;
- (ii) A discussion of the feasibility of using alternative locations or methods to accomplish the purpose of the proposed work;
- (iii) An analysis of the extent and permanence of the impacts each feasible alternative identified in Section 7.24(d)(i) of this Section would have on the physical and biological conditions of the body of water affected;
- (iv) An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

Sec. 7.22

Review

The Enforcement Officer shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits and approvals that may be required for this type of activity. The Enforcement Officer shall not issue the development permit unless all required federal and state permits have been obtained. The Enforcement Officer shall review and approve applications reviewed under this Section.

Sec. 7.23

Preventing Increased Damages and a List of Appropriate Uses

The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Chapter. Only those Appropriate Uses listed in 92 Illinois Adm. Code 708 will be allowed. The approved Appropriate Uses are as follows:

- a. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife;
- b. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;
- c. Storm and sanitary sewer relief outfalls;
- d. Underground and overhead utilities;
- e. Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50% open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage.
- f. Detached garages, storage sheds, or other non-habitable accessory structures that will not block flood flows, nor reduce floodway storage;

- g. Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
- h. Parking lots built at or below existing grade where either:
 - (i) The depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; or
 - (ii) The applicant of a short-term recreational use facility parking lot, formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.
- i. Designated floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.
- j. Floodproofing activities to protect previously existing lawful structures, including the construction of watertight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure.
- k. The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to 50 percent or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation.
- l. Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios, and second story additions. If the building improved to 50 percent or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.
- m. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use.

Sec. 7.24

Engineering and Mitigation Criteria

Within the designated floodway as identified on the designated floodway maps designated by IDNR/OWR, the construction of an Appropriate Use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Article VII of this chapter:

- a. Preservation of Flood Conveyance, so as not to Increase Flood Stages Upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for

all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:

- (i) Designated floodway conveyance,

$$"K" = \frac{1.486 AR^{2/3}}{n}$$

where "n" is Manning's roughness factor,

"A" is the effective flow area of the cross-section, and

"R" is the ratio of the area to the wetted perimeter.

(See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York).

- (ii) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

- (iii) Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

- (a) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
- (b) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.
- (c) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
- (d) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.
- (e) All cross-sections used in the calculations shall be located perpendicular to flood flows.

- b. Preservation of Floodway Storage so as Not to Increase Downstream Flooding. Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory designated floodway storage shall be placed between the

proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All designated floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to IDNR/OWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.

- c. Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights. For all Appropriate Uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event. In the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- d. Construction of New Bridges or Culvert Crossings and Roadway Approaches. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR, to obtain a permit for a dam waiver.
 - (i) The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Article III of this Chapter. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U. S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.
 - (ii) Lost floodway storage must be compensated for per Section 7.24(b).
 - (iii) Velocity increases must be mitigated per Section 7.24(c).
 - (iv) If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.
 - (v) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by Sections 7.23 through 7.29.
 - (vi) All excavations for the construction of the crossing shall be designed per Section 7.24(h).

- e. Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads.
- (i) The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.
 - (ii) if the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.
 - (iii) The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 92 Ill. Adm. Code Part 708 (Floodway Construction in Northeastern Illinois) and submitted to the IDNR/OWR for review and concurrence before a permit is issued.
- f. On-Stream Structures Built for the Purpose of Backing Up Water. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR, for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 7.02 shall meet the permitting requirements of 92 Ill. Adm. Code Part 702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:
- (i) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
 - (ii) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - (iii) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin;
 - (iv) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;
 - (v) The project otherwise complies with the requirements of Article V.

- g. Flood Proofing of Existing Habitable, Residential and Commercial Structures. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than 10 feet from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.
- h. Excavation in the Floodway. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other Appropriate Uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency.
 - (i) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;
 - (ii) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and
 - (iii) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used;
 - (iv) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.
- i. If the proposed activity involves a channel modification, it shall be demonstrated that:
 - (i) There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;
 - (ii) Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
 - (iii) The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
 - (a) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions

should be incorporated into channel modification design, where practical.

- (b) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
- (c) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.
- (d) Clearing of vegetation shall be limited to that which is essential for construction of the channel.
- (e) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.
- (f) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.
- (g) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.
- (h) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.
- (i) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.
- (j) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.
- (k) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and

- (iv) The project otherwise complies with the requirements of Article V.
- j. Seeding and Stabilization Plan. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.
- k. Soil Erosion and Sedimentation Measures. For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:
 - (i) The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements.
 - (ii) Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and within 15 days to denuded areas which may not be at final grade, but will remain undisturbed for longer than 60 days.
 - (iii) Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.
 - (iv) A vegetated buffer strip of at least 25 feet in width shall be preserved and/or re-established, where possible, along existing channels (See Section 7.24(r). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.
 - (v) Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "The Illinois Urban Manual" (NRCS, 1995).
- l. Public Flood Control Projects. For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.
- m. General Criteria for Analysis of Flood Elevations.
 - (i) The flood profiles, flows and floodway data in the designated floodway study, referenced in Article III, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

- (ii) If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the designated floodway conditions and conditions with the receiving stream at normal water elevations.
 - (iii) If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- n. Conditional Letter of Map Revision. If the Appropriate Use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued. The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.
- o. Professional Engineer's Supervision. All engineering analyses shall be performed by or under the supervision of a registered professional engineer.
- p. For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:
 - (i) A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.
 - (ii) Where it is impossible to protect this buffer strip during the construction of an Appropriate Use, a vegetated buffer strip shall be established upon completion of construction.

After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the floodway designation may proceed, but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

Sec. 7.25**Development Activities In Delegated Communities Requiring State Review.**

For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway.

- a. An engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 7.24(d).
- b. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 7.24(e).
- c. Alternative transition sections and hydraulically equivalent storage pursuant to Section 7.24 (a, b and h).
- d. The construction of any IDNR/OWR projects, dams (as defined in Section 7.02) and all other state, federal or local units of government projects, including projects of the municipality or county.
- e. An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.
- f. Projects which revise or establish the floodway and/or flood profiles.
- g. Projects in public bodies of water.

Sec. 7.26**Other Permits**

In addition to the other requirements of this Chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq. No permit from IDNR/OWR shall be required if the Division has delegated this responsibility to the Village.

Sec. 7.27**(Deleted)****Sec. 7.28****Permits for Dams**

Any work involving the construction, modification or removal of a dam as defined in Section 300.12 per 92 Illinois Adm. Code Part 702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam. If the Enforcement Officer finds a dam that does not have an IDNR/OWR permit, the Enforcement Officer shall immediately notify the IDNR/OWR Schaumburg office. If the Enforcement Officer finds a dam which is believed to be in unsafe condition, the Enforcement Officer shall immediately notify the owner of the dam, IDNR/OWR Schaumburg office and the Illinois Emergency Management Agency (IEMA).

Sec. 7.29**Activities That Do Not Require a Registered Professional Engineer's Review**

The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this Chapter, including the mitigation requirements.

- a. Underground and overhead utilities that:
 - (i) Do not result in any increase in existing ground elevations, or
 - (ii) Do not require the placement of above ground structures in the floodway, or
 - (iii) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing stream bed, and
 - (iv) Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris.
 - (v) Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 - (vi) A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (1992 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed.
 - (vii) An Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met.
- b. Storm and sanitary sewer relief outfalls that:
 - (i) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
 - (ii) Do not result in an increase in ground elevation, and
 - (iii) Are designed so as not to cause stream erosion at the outfall location.
- c. Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.
- d. Construction of shoreline and streambank protection that:
 - (i) Does not exceed 1000 feet in length.
 - (ii) Materials are not placed higher than the existing top of bank.
 - (iii) Materials are placed so as not to reduce the cross-sectional area of the stream channel or bank of the lake.
 - (iv) Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete,

construction rubble, and gabions should be avoided unless there are no practicable alternatives.

- e. Temporary stream crossings in which:
 - (i) The approach roads will be 1/2 foot or less above natural grade.
 - (ii) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
 - (iii) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
 - (iv) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
 - (v) The access road and temporary crossings will be removed within one year after authorization.

ARTICLE VI Occupation and Use of SFHA Areas Where Floodways Are Not Identified

Sec. 7.30

General

In SFHA or floodplains, (including AE, AH, AO and Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

Sec. 7.31

Development Permit

No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the Enforcement Officer. Application for a development permit shall be made on a form provided by the Enforcement Officer. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevator at the lowest floor (including basement) of all proposed buildings subject to the requirements of Article VII of this Chapter. The application for a development permit shall also include the following information:

- a. A detailed description of the proposed activity, its purpose, and intended use;
- b. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
- c. Anticipated dates of initiation and completion of activity;
- d. Plans of the proposed activity shall be provided which include as a minimum:
 - (i) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
 - (ii) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D. adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;
 - (iii) Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and

- (iv) A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
- e. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 7.34.
- f. Any and all other local, state and federal permits or approvals that may be required for this type of development.

Sec. 7.32

Base Elevation

Based on the best available existing data according to the Illinois State Water Survey's Floodplain information Repository, the Enforcement Officer shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 7.09. Any development located on land that can be shown to have been higher than the base flood elevation of the current Flood Insurance Rate Map Identification is not in the SFHA, and therefore not subject to the requirements of this Chapter. The Enforcement Officer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

Sec. 7.33

Other Permits

The Enforcement Officer shall be responsible for obtaining from the applicant copies of all other local, state, and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Enforcement Officer shall not issue the development permit unless all required local, state and federal permits have been obtained.

Sec. 7.34

Preventing Increased Damages

Preventing Increased Damages. No development in the SFHA where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Chapter.

Sec. 7.35

Riverine SFHA's

Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:

- a. The developer shall have a Registered Professional Engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 7.24 (a) through (l) for the entire floodplain as calculated under the provisions of Section 7.09 of this Chapter. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR for acceptance as a designated floodway. Upon

acceptance of their floodway by the IDNR/OWR, the developer shall then demonstrate that the project meets the requirements of Article V for the designated floodway. The floodway shall be defined according to the definition in Section 7.02 of this Chapter.

- b. A development permit shall not be issued unless the applicant first obtains a permit from IDNR/OWR or written documentation that a permit is not required from IDNR/OWR.
- c. No permit from IDNR/OWR shall be required if the IDNR/OWR has delegated permit responsibility to the Village per 92 Illinois Adm. Code, Part 702 for designated floodways.
- d. Permits for Dams. Any work involving the construction, modification or removal of a dam Section 300.12 per 92 Ill Adm. Code Part 702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit or letter indicating a permit is not required prior to the start of construction of a dam. If the Enforcement Officer finds a dam that does not have a IDNR/OWR permit, the Enforcement Officer shall immediately notify the IDNR/OWR Schaumburg office. If the Enforcement Officer finds a dam which is believed to be in unsafe condition, the Enforcement Officer shall immediately notify the owner of the dam and the IDNR/OWR Schaumburg office and the Illinois Emergency Management Agency (IEMA).
- e. The following activities may be permitted without a Registered Professional Engineer's review or calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this Chapter:
 - (i) Underground and overhead utilities that:
 - (a) Do not result in any increase in existing ground elevations, or
 - (b) Do not require the placement of above ground structures in the floodway, or
 - (c) In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing streambed, and
 - (d) Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris.
 - (e) Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation.
 - (f) A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS (1992 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed.
 - (g) An Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met.

- (ii) Storm and sanitary sewer outfalls that:
 - (a) Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
 - (b) Do not result in an increase in ground elevation, and
 - (c) Are designed so as not to cause stream erosion at the outfall location.
- (iii) Construction of shoreline and streambank protection that:
 - (a) Does not exceed 1000 feet in length.
 - (b) Materials are not placed higher than the existing top of bank.
 - (c) Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than 10%.
 - (d) Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives.
- (iv) Temporary stream crossings in which:
 - (a) The approach roads will be 1/2 foot or less above natural grade.
 - (b) The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
 - (c) The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
 - (d) All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
 - (e) The access road and temporary crossings will be removed within one year after authorization.
- (v) The construction of light poles, sign posts and similar structures;
- (vi) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;

- (vii) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of flood waters;
 - (viii) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any one dimension (e. g., animal shelters and tool sheds);
 - (ix) The construction of additions to existing buildings which do not increase the first floor area by more than twenty percent (20%), which are located on the upstream or downstream side of the existing building, and which do extend beyond the sides of the existing building that are parallel to the flow of flood waters;
 - (x) Minor maintenance dredging of a stream channel where:
 - (a) The affected length of stream is less than 1000 feet.
 - (b) The work is confined to reestablishing flows in natural stream channels, or
 - (c) The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.
- f. The flood carrying capacity within any altered or relocated watercourse shall be maintained.

Sec. 7.36

Compensatory Storage

Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

ARTICLE VII Permitting Requirements Applicable To All Floodplain Areas

Sec. 7.37

General

In addition to the requirements found in Articles IV, V and VI for development in flood fringes, designated floodways, and SFHA or floodplains where no floodways have been identified (Zones A, AO, AH, AE, AI-A30, A99, VO, V1-V30, VE, V, M, E, D, or X), the following requirements shall be met:

Sec. 7.38

(Deleted)

Sec. 7.39

Hazardous Materials

No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE).

Sec. 7.40

Water Supply Systems

New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

Sec. 7.41

Carrying Capacity and Notification

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the Village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

Sec. 7.42

Protecting Buildings

All buildings located within a 100-year floodplain also known as a SFHA, and all buildings located outside the 100-year floodplain but within the 500-year floodplain, shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:

- a. Construction or placement of a new building;
- b. A structural alteration to an existing building that either increases the first floor area by more than 20% or is a substantial improvement (exceeding the building's market value by more than 50%). This alteration shall be figured cumulatively, beginning with any alteration which has taken place subsequent to April 1, 1990.
- c. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- d. Installing a travel trailer on a site for more than 180 days.

This building protection requirement may be met by one of the following methods.

Sec. 7.43**Building on Land Fill**

A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:

- a. The lowest floor (including basement) shall be at or above the flood protection elevation.
- b. The fill shall be placed in layers no greater than one (1) foot deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation. The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures. The fill shall be protected against erosion and scour. The fill shall not adversely effect the flow or surface drainage from or onto neighboring properties.

Sec. 7.44**Elevated Buildings**

A residential or non-residential building may be elevated in accordance with the following:

- a. The building or improvements shall be elevated on crawlspace, stilts, piles, walls, or other foundation that is permanently open to flood waters and not subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one foot above existing grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation.
- b. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
- c. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation. When the building wall encloses open space that is below the Base Flood Elevation, gravity storm and sanitary sewer connections are specifically prohibited and overhead sewers are required for the sanitary connections and sumps for the storm sewer connections.
- d. The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement.
- e. Manufactured homes, and travel trailers to be installed on a site for more than 180 days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Illinois Administrative Code Part 870. In addition, all manufactured homes shall meet the following elevation requirements:

1. In the case of manufactured homes placed or substantially improved (a) outside of a manufactured home park or subdivision, (b) in a new manufactured home park or subdivision, (c) in an expansion to an existing manufactured home park or subdivision, or (d) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.
 2. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least 36 inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.
- f. Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of Sec. 7.44.e above unless:
1. They are on site for less than 180 consecutive days; and,
 2. They are fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.

Sec. 7.45

Flood Proofed Buildings

Only a non-residential building may be structurally dry floodproofed (in lieu of elevation) provided that a registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.)

Sec. 7.46

Non-Conforming Structures

Tool sheds and detached garages on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

- a. The building is not used for human habitation.
- b. All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of floodwaters and shall also meet the Appropriate Use criteria of Article V. In addition, all other requirements of Articles IV, V and VI must be met.
- c. The structure shall be anchored to prevent flotation.
- d. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation.

- e. The building shall be valued at less than \$7,500 and be less than 500 square feet in floor size.
- f. The building shall be used only for storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.
- g. The building shall meet the permanent opening criteria of Sec. 7.44.a.

Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Article V. Non-conforming structures located in a designated floodway may remain in use, and may only be enlarged, replaced or structurally altered in accordance with Sec. 7.23. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent (50%) of its market value before it was damaged, in which case it shall conform to this Chapter.

ARTICLE VIII Other Development Requirements

Sec. 7.47

General

The Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

Sec. 7.48

Review

New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Articles IV, V, VI and VII of this Chapter and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and Planned Unit Developments (PUDs) shall include a signed statement by a Registered Professional Engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Sec. 7.49

Base Flood Standard

Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 7.09 and the floodway delineation per the definition in Section 7.02. The applicant's engineer shall submit the data to IDNR/OWR for review and approval as best available regulatory data and then send it to the State Water Survey.

Sec. 7.50

Public Grounds

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

Sec. 7.51

Unincorporated Areas

The Board of Trustees shall not approve any Planned Unit Development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this Chapter.

ARTICLE IX Variances

Sec. 7.52

General

No variances shall be granted to any development located in a designated floodway as defined in Section 7.02. Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Enforcement Officer for a variance. The Enforcement Officer shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees.

Sec. 7.53

Standards

No variance shall be granted unless the applicant demonstrates that:

- a. The development activity cannot be located outside the SFHA;
- b. An exceptional hardship would result if the variance were not granted;
- c. The relief requested is the minimum necessary;
- d. There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
- e. There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities;
- f. The provisions of Sections 7.16 and 7.34 of this Chapter shall still be met;
- g. The activity is not in a designated floodway;
- h. The applicant's circumstances are unique and do not represent a general problem; and
- i. The granting of the variance will not alter the essential character of the area involved, including existing stream uses.

Sec. 7.54

Notification of Risk

The Enforcement Officer shall notify an applicant in writing that a variance from the requirements of Article VII that would lessen the degree of protection to a building will:

- a. Result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
- b. Increase the risks to life and property; and
- c. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.

Sec. 7.55

Historic Sites or Buildings

Variances requested in connection with restoration of a historic site or historic structure as defined in Section 7.02 "Historic Structures" may be granted using criteria more permissive than the requirements of Sections 7.48 and 7.49, subject to the conditions that:

- a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
- b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

ARTICLE X Disclaimer of Liability

Sec. 7.56

General

The degree of flood protection required by this Chapter is considered reasonable for designated purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This Chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made lawfully thereunder.

ARTICLE XI Remedies

Sec. 7.57

Violation

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Chapter. Upon due investigation, the Enforcement Officer may determine that a violation of the minimum standards of this Chapter exist. The Enforcement Officer shall notify the owner in writing of such violation.

Sec. 7.58

Penalties

If such owner fails after ten days notice to correct the violation:

- a. The Village may make application to the Circuit Court for an injunction requiring conformance with this Chapter or make such other order as the Court deems necessary to secure compliance with the Chapter.
- b. Any person who violates this Chapter shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000.00) for each offense.
- c. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- d. The Village may record a notice of violation on the title to the property.

Sec. 7.59

Insurance Suspension

The Enforcement Officer shall inform the owner that any such violation is considered a willful act to increase flood damages, and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Enforcement Officer is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

- a. The grounds for complaint or reasons for suspension or revocation;
- b. The time and place of the hearing.

At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the Board of Appeals shall determine whether the permit shall be suspended or revoked.

Sec. 7.60

Additional Penalties

Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

ARTICLE XII Repeal, Abrogation and Greater Restrictions

Sec. 7.61

General

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this Chapter and other ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This Chapter is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the Village passed in order to establish initial eligibility for the program.

Sec. 7.62

Separability

The provisions and sections of this Chapter shall be deemed separable and the invalidity of any portion of this Chapter shall not affect the validity of the remainder.

APPENDIX A

THE VILLAGE OF BURR RIDGE AND UNINCORPORATED COOK & DU PAGE COUNTIES

DATE OF F.I.S., F.I.R.M., FLOOD HAZARD, OR FLOODWAY MAP	LOCATION	PANEL NO.
August 19, 2008	Cook County	17031 0466 (Panel 466 of 832) 17031 0467 (Panel 467 of 832) 17031 0468 (Panel 468 of 832) 17031 0469 (Panel 469 of 832) 17031 0577 (Panel 577 of 832) 17031 0581 (Panel 581 of 832) 17031 0582 (Panel 582 of 832) 17031 0583 (Panel 583 of 832) 17031 0591 (Panel 591 of 832)
December 16, 2004	Village of Burr Ridge Du Page County	170071 0001 (Panel 1 of 1,3,5)
December 16, 2004	Village of Burr Ridge Du Page County	170071 0003 (Panel 3 of 1,3,5) 170071 0005 (Panel 5 of 1,3,5)
December 16, 2004	Unincorporated Du Page County	170197 0060 (Panel 60 of 65)
December 16, 2004	Unincorporated Du Page County	170197 0065 (Panel 65 of 65)

Amended by A-891-01-08